109TH CONGRESS 1ST SESSION

H. R. 1722

To direct the Secretary of Education to revise regulations to increase the percentage of proficient and advanced level scores based on alternate assessments and alternate achievement standards for purposes of calculating adequate yearly progress, to amend the Elementary and Secondary Education Act of 1965 to decrease the percentage of students who meet or exceed the proficient level of academic achievement on State assessments required to calculate adequate yearly progress, to direct the Secretary of Education to expand to two years the exclusion for second year limited English proficiency students from adequate yearly progress calculations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2005

Mr. Bradley of New Hampshire introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To direct the Secretary of Education to revise regulations to increase the percentage of proficient and advanced level scores based on alternate assessments and alternate achievement standards for purposes of calculating adequate yearly progress, to amend the Elementary and Secondary Education Act of 1965 to decrease the percentage of students who meet or exceed the proficient level of academic achievement on State assessments required to calculate adequate yearly progress, to direct the Secretary of Education to expand to two years the exclusion for second year limited English proficiency stu-

dents from adequate yearly progress calculations, and for other purposes.

1 Be it enacted by the Senate and House of Representa-2 tives of the United States of America in Congress assembled, 3 SECTION 1. INCREASE IN PERCENTAGE OF PROFICIENT 4 AND ADVANCED LEVEL SCORES BASED ON 5 ALTERNATE ASSESSMENTS AND ALTERNATE 6 ACHIEVEMENT STANDARDS FOR STUDENTS 7 WITH THE MOST SIGNIFICANT COGNITIVE 8 DISABILITIES THAT MAY BE COUNTED FOR 9 **PURPOSES** CALCULATING ADEQUATE \mathbf{OF} 10 YEARLY PROGRESS FOR SCHOOLS, LOCAL 11 EDUCATIONAL AGENCIES, AND STATES. 12 Not later than 30 days after the date of the enact-13 ment of this Act, the Secretary of Education shall revise 14 section 200.13(c) of title 34, Code of Federal Regulations, to raise to three percent from one percent the number of 15 proficient and advanced level scores based on alternate assessments and alternate achievement standards for students with the most significant cognitive disabilities that 19 may be counted for purposes of calculating adequate year-20 ly progress (as such term is defined in section 21 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C))) for schools, local educational agencies, and States.

| 1 | SEC. 2. DECREASE IN PERCENTAGE OF STUDENTS WHO |
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| 2 | MEET OR EXCEED THE PROFICIENT LEVEL |
| 3 | OF ACADEMIC ACHIEVEMENT ON STATE AS- |
| 4 | SESSMENTS REQUIRED TO CALCULATE ADE- |
| 5 | QUATE YEARLY PROGRESS FOR SCHOOLS. |
| 6 | Section 1111(b)(2)(I)(i) of the Elementary and Sec- |
| 7 | ondary Education Act of 1965 (20 U.S.C. |
| 8 | 6311(b)(2)(I)(i)) is amended by striking "decreased by 10 |
| 9 | percent" and inserting "decreased by 7 percent". |
| 10 | SEC. 3. EXCLUSION FOR SECOND YEAR OF LIMITED |
| 11 | ENGLISH PROFICIENCY STUDENTS FROM |
| | ADEQUADE VEADLY DDOCDESS CALCULA |
| 12 | ADEQUATE YEARLY PROGRESS CALCULA- |
| 12 13 | TIONS. |
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| 13 | TIONS. Not later than 30 days after the date of the enact- |
| 13 14 15 | TIONS. Not later than 30 days after the date of the enact- |
| 13 14 15 16 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue |
| 13 14 15 16 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue policy guidance directing that the assessment results of |
| 13 14 15 16 17 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue policy guidance directing that the assessment results of first-year and second-year limited English proficiency stu- |
| 13 14 15 16 17 18 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue policy guidance directing that the assessment results of first-year and second-year limited English proficiency students who are recently resettled refugees (as determined |
| 13 14 15 16 17 18 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue policy guidance directing that the assessment results of first-year and second-year limited English proficiency students who are recently resettled refugees (as determined by the Secretary in consultation with the Secretary of Homeland Security) and who take the reading/language |
| 13 14 15 16 17 18 19 20 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue policy guidance directing that the assessment results of first-year and second-year limited English proficiency students who are recently resettled refugees (as determined by the Secretary in consultation with the Secretary of Homeland Security) and who take the reading/language |
| 13 14 15 16 17 18 19 20 21 | Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall issue policy guidance directing that the assessment results of first-year and second-year limited English proficiency students who are recently resettled refugees (as determined by the Secretary in consultation with the Secretary of Homeland Security) and who take the reading/language arts assessment are not required to be included in ade- |

1 SEC. 4. EFFECTIVE DATE.

- 2 The regulations promulgated pursuant to section 1,
- 3 the amendment made by section 2, and the policy guidance
- 4 issued pursuant to section 3 shall apply beginning with
- 5 the first academic year that begins after the date of the

6 enactment of this Act.

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